

TFW

AMENDMENT TRANSMITTAL LETTER Docket No. 3531-0103P

Application No. 09/934,334-Conf. #8252 Filing Date August 21, 2001 Examiner D. Kang Art Unit 2811

Applicant(s): Paul R. BERGER et al.

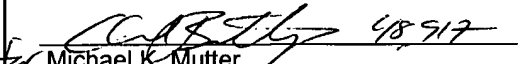
Invention: METHOD OF MAKING INTERBAND TUNNELING DIODES

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Transmitted herewith is an amendment in the above-identified application.
The fee has been calculated and is transmitted as shown below.

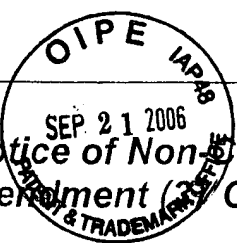
CLAIMS AS AMENDED						
	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate		
Total Claims	33	- 96 =	0	x	50.00	0.00
Independent Claims	3	- 7 =	0	x	200.00	0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>						
Other fee (please specify):						
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:						0.00

- Large Entity Small Entity
- No additional fee is required for this amendment.
- Please charge Deposit Account No. _____ in the amount of \$ _____
A duplicate copy of this sheet is enclosed.
- A check in the amount of \$ _____ is enclosed.
- Payment by credit card. Form PTO-2038 is attached.
- The Director is hereby authorized to charge and credit Deposit Account No. 02-2448
as described below. A duplicate copy of this sheet is enclosed.
 - Credit any overpayment.
 - Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.


Michael K. Mutter
Attorney Reg. No.: 29,680

Dated: September 21, 2006

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Notice of Non-Compliant Amendment (37 CFR 1.121)

Application No.	Applicant(s)	
09/934,334	BERGER ET AL.	
Examiner	Art Unit	
Steven Loke	2811	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 31 May 2006 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- 1. Amendments to the specification:
 - A. Amended paragraph(s) do not include markings.
 - B. New paragraph(s) should not be underlined.
 - C. Other _____.
- 2. Abstract:
 - A. Not presented on a separate sheet. 37 CFR 1.72.
 - B. Other _____.
- 3. Amendments to the drawings:
 - A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - C. Other _____.
- 4. Amendments to the claims:
 - A. A complete listing of all of the claims is not present.
 - B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - D. The claims of this amendment paper have not been presented in ascending numerical order.
 - E. Other: See Continuation Sheet.
- 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

- Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or
- Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Steven Loke
Primary Examiner *Steven Loke*

Legal Instruments Examiner (LIE), if applicable

Telephone No.

Continuation of 4(e) Other: The text of the added subject matter (the chemical formulas " $\text{Si}_{1-x}\text{Gex}$, Si_{1-x}Cx , $\text{Si}_{1-x}\text{Snx}$, $\text{Si}_{1-x-y}\text{GexCy}$, $\text{Si}_{1-x-y-z}\text{GexCySnz}$, Si_{1-x}Ox , Si_{1-x}Nx , Al_{1-x}Ox " in lines 4-5 of claim 61) are not underlined. The text of the deleted matter (the chemical formulas with subscript in lines 4-5 of claim 61 in the amendment dated 1/6/06) are not strike-through by a line.